HON'BLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 10477 OF 2007

DATE: 06.07.2007

Between:

M.NEHRU, S/o Bheekjee, aged 32 years.

…Petitioner

AND

1. Indian Oil Corporation Limited rep. By its Senior Divisional Retail Sales Manager, G.V.R. Towers, 3rd Floor and three others

….Respondents

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ORAL ORDER:

It is the case of the petitioner that pursuant to the notification issued by the Hindustan Petroleum Corporation Limited, calling for the applications for the allotment of retail out-let for the sale of Petrol, Diesel and other lubricants at Jaladanki Village and Mandal, under the S.T quota and in terms of a scheme evolved by the Ministry of Petroleum and Gas to improve their living conditions, the petitioner being graduate in Engineering, while he was working in the private company, he resigned and thereafter he applied for this and was selected for the allotment of retail out-let by the Hindustan Petroleum Corporation Limited. Thereafter, pursuant to the said allotment he has developed the retail out-let by obtaining Rs. 9 lakhs towards working capital and retail out-let was started in 2006 itself. It is stated that minimum targets are being fixed for the sale of petroleum products. While so, the Indian Oil Corporation Limited, the respondent herein, issued a notification calling for the applications for the opening of the Kisan Seva Kendra at Brahmanakaka in Jaladanki Mandal, for the sale of diesel and lubricant oils. In the notification of the Indian Oil Corporation Limited, at serial No. 10 Bharamanakaka Villege, Nellore District, was also notified under open category and the 4th respondent was selected for Kisan Seva Kendra, as he stood second in the selection process and the person who stood first could not set up the Kendra. In the said selection process, in the said Bhramanakaka Village, Kisan Seva Kendra was allotted to the 4th respondent by complying all other formalities.

It is the case of the petitioner that unless his targets are achieved, as both the villages of Bharamanakaka and Jaladanki are themselves being small villages, neither the Hindustan Petroleum Corporation Limited nor the Indian Oil Corporation can open other retail outlet petroleum products of Kisan Seva Kendra. It is further stated that as per condition No. 14 of the Agreement entered into in between the petitioner and the Hindustan Petroleum Corporation Limited, unless he achieves the targets of the sale of the petroleum products mentioned therein, the petitioner right to carry on the business cannot be interfered with in any other manner.

A perusal of the agreement entered into between the petitioner and the Hindustan Petroleum Corporation Limited goes to show that as per Clause 12 even Hindustan Petroleum Corporation Limited, reserves the right without any reference to or consent of the dealer, to appoint one or more additional dealers in the same trading area and such

additional dealer or dealers shall be entitled to make sales of Petrol/Diesel/Lubricants and other products in the same trading area without any objection from the existing dealer and the existing dealer is not entitled to claim any overriding remuneration, commission or allowance for the purpose.

When there is no prohibition for the appointment of another dealer of the Hindustan Petroleum Corporation Limited itself, there cannot be any other prohibition prohibiting the Indian Oil Corporation, which is another company to appoint Kisan Seva Kendra in the same trading area. Therefore, there is no particular area earmarking the petitioner prohibiting either the Hindustan Petroleum Corporation Limited or Indian Oil Corporation Limited for the appointment of another dealer or opening of the Kisan Seva Kendra. However, I am of the opinion, the purpose and object for appointing the dealer to cater the needs of the general vehicles of the public from that of the theme of the Kisan Seva Kendra, which is meant to cater the needs of agriculturists at their doorsteps. Hence, I am of the opinion, it cannot be said that the petitioner has any vested right or much less any legal right preventing the 4th respondent from functioning the Kisan Seva Kendra as per the agreement made by the Indian Oil Corporation Limited.

In view of the aforesaid facts of the case, interim order granted earlier is vacated and the Writ Petition is dismissed. No order as to Costs.

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V. ESWARAIAH, J

Date: 06.07.2007
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